



**TO:** Solid and Hazardous Waste Commissioners

**FROM:** The Hazardous Materials and Waste Management Division  
Joe Schieffelin, Solid Waste Program Manager and Acting Hazardous  
Waste Program Manager

**DATE:** October 26, 2015

**SUBJECT:** Solid and Hazardous Waste Program Newsletter

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### Commission Schedule Update

Included below is the current Solid and Hazardous Waste Commission (Commission) meeting schedule and work plan. The schedule includes both informational briefings and rulemakings as we know them now.

#### **Solid and Hazardous Waste Commission Rulemaking Agenda Docket and Schedule**

	2015	2016
<b>February</b>		<ul style="list-style-type: none"><li>• Rulemaking, Changes necessitated by federal "Definition of Solid Waste" Rule (HW)</li><li>• Rulemaking, Correction to Part 261.5, CESQG requirements (HW)</li><li>• Rulemaking, Changes to Part 100.10, Scope of the RCRA Permit Requirement (HW)</li><li>• Informational Briefing, Changes to Part 99, Notification (HW)</li><li>• Informational Briefing, Hazardous Waste Fees (HW)</li><li>• Informational Briefing, Hazardous Substances Response Fund (SW, Superfund)</li></ul>
<b>May</b>		<b>ANNUAL MEETING</b> <ul style="list-style-type: none"><li>• Rulemaking, Changes to Part 99, Notification (HW)</li></ul>
<b>August</b>		

November	<ul style="list-style-type: none"> <li>• Rulemaking, Public Notice Updates (HW)</li> <li>• Rulemaking, Waste Tire Processors and End Users Fund (SW)</li> <li>• Rulemaking, Changes to Procedural Rules</li> <li>• Informational Briefing, Changes needed re: new Federal “Definition of Solid Waste: rule (HW)</li> <li>• Informational Briefing, Correction to Part 261.5, CESQG requirements (HW)</li> <li>• Informational Briefing, Changes to Part 100.10, Scope of RCRA Permit Requirement (HW)</li> <li>• Informational Briefing, Section 14: Composting (SW)</li> </ul>	
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## Proposed November, 2015 Commission Meeting Agenda

Rulemaking #1, Modifications and Updates to Section 10.12, Waste Tire Processors End Users Fund: Section 10.12.5 of the Solid Waste Regulations requires the Department of Public Health and Environment (the Department) to pay out a per-ton rebate for approved applications submitted by end users, retailers, and certain processors of tire-derived products and waste tires. The rebate is based on expected revenues in to the rebate fund and expected amounts of waste tires adequately end-used. The Commission can re-set this fee once each year. The Department will be proposing to increase the rebate from its current level of \$40/ton to \$80/ton.

Rulemaking #2, Modifications and Updates to Section 100.503(c), Public Involvement: This rulemaking proposes modifications and additions to Section 100.503 of the Colorado Hazardous Waste Regulations (6 CCR 1007-3). The proposed amendments will expand and modernize the methods by which the department must notify the public about certain hazardous waste permitting activities by adding the requirement that such notices be published to the department’s and division’s website and Facebook pages.

Rulemaking #3, Procedural Rules: This rulemaking proposes modifications and updates to the procedural rules by which the Solid and Hazardous Waste Commission ("Commission") conducts its meetings, formal rulemakings, reviews of administrative penalties and informal hearings. The rules also set forth any prehearing proceedings and procedures that the Commission may impose. The rules are intended to assure that such procedures and hearings before the Commission are fair and impartial, comply with the requirements of the Colorado Administrative Procedures Act, Sections 24-4-101, et seq., C.R.S., the Colorado Hazardous Waste Act, Sections 25-15-301, et seq., C.R.S., and the Solid Waste Disposal Sites and Facilities Act, Sections 30-20-101 et seq., foster substantive discussion on the issues, and minimize burdensome procedures. These proposed procedural rules will fully replace the current rules.

## 2015 Legislative Developments

There are no legislative developments requiring Commission action at this time. The next legislative session is scheduled to begin January 13, 2016.

## Project Updates

This newsletter focuses on accomplishments and recent changes to the Solid Waste Permitting Unit supervised by Jerry Henderson.

The mission of the Solid Waste Permitting Unit is to ensure that solid waste facilities operate under design, construction, and operational requirements that are protective of human health and the environment. The unit experienced a great deal of turnover in 2014, resulting in a large backlog of documents. In an effort to improve customer service by reducing permit processing times, the unit has grown by about twenty-five percent in the last year. Jerry Henderson has recently added two new full time staff to the unit, and brought back a longtime staff member who had recently retired to help on a part time basis. See the Organizational/Staff Highlights for further information.

Over the summer some members of the unit spent time putting on trainings to help local governments charged with implementing the solid waste authority and the nursing home sector with the medical waste regulations. We have also provided one-on-one compliance assistance to facility operators at small rural landfills.

This month the Department awarded a contract for the Integrated Solid Waste and Materials Management Plan. Permitting Unit staff will spend considerable time assisting the contractor in the various steps of its development. This effort came into being as a result of pervasive compliance issues faced by small landfills in rural Colorado. These sites have very few resources with which to meet the demands of operating a compliant landfill. The Plan aims to provide landfills with a cost analysis tool to help them optimize their waste management practices and make sound business decisions going forward. Ultimately, these facilities will have to come into compliance, and it is the goal of the Plan to give them a realistic set of options for doing so.

Other than helping with the Integrated Solid Waste and Materials Management Plan, the Unit is ready to begin a coal combustion residuals (CCR) rulemaking stakeholder process. Eric Jacobs of the Permitting Unit will lead this effort, and, if all goes well, it should yield a rulemaking that provides a state version of the recently finalized federal CCR rule ready for the Commission to consider sometime next year.

## Organizational/Staffing Highlights

Joe Schieffelin has moved into the position of Program Manager for the Solid Waste and Materials Management Program after the retirement of Charles Johnson in August. Joe will also continue to provide management for the Hazardous Waste Program until that position is back-filled.

The Solid Waste Permitting Unit welcomed two new staff members and one returning staff member. Jill Parisi came into the unit over the summer. Jill is a geotechnical engineer who holds Bachelors and Masters' degrees from the University of Colorado at Boulder. She spent the first ten years of her career at Golder Associates, designing and permitting solid waste and mining sites.

Heather Barbare joined the group in September. Heather has a Bachelor's degree in chemistry and experience permitting solid waste facilities in her former role as the solid waste technical lead for Weld County Department of Public Health and Environment.

Larry Bruskin is a geotechnical engineer who spent ten years in the Solid Waste Permitting Unit, starting in 2005. Larry retired in January 2015 with twenty-five years of state service. As of August, he has returned on a part-time basis to help the Solid Waste Permitting Unit address the backlog of permit review documents.